

INLAND WETLANDS & WATERCOURSES AGENCY

REGULAR MEETING

Monday, June 7, 2021 – 7:00 pm

MINUTES

I. **Call to Order:** Chairman Mark Parker called the meeting to order at 7:05 pm.

II. **Roll Call:**

Members Present: Mark Parker, William Rewinski, Marla Butts, Stuart Peaslee (Alternate)

Members Absent: N/A

Quorum: Yes

Others Present: Tina Lajoie, Greg Favreau, Kathleen Ellison, Daniel Blanchette, Jackie Dunaway, John Webber, Members of the Public

III. **Appointment of Alternates (if necessary):** Stuart Peaslee was seated.

IV. **Action on minutes of previous meeting of May 3, 2021 Regular Meeting:**

Motion was made by Marla Butts, and **Seconded** by William Rewinski, to **Approve** the minutes of the May 3, 2021 IWWA regular meeting as presented. **The motion passed unanimously.**

V. **Pending Applications:**

a. 04-21-05 – Angela Billings – 0 Dividend Road – new single-family dwelling and accessory structure

Daniel Blanchette of J&D Civil Engineers was in attendance representing the applicant. He gave a history of the property and explained he is going through the application process with Planning & Zoning as a modification to a subdivision. He noted the upland area is limited to the southwest corner. The existing cart path will be reused for most of the driveway. Pipes will be installed at each wetland crossing. He is proposing a 32-foot pipe instead of a 20-foot pipe. There is 1,500 square feet of wetlands disturbance. He provided a drainage analysis for a 10-year storm. Further discussion ensued regarding a 25-year storm. As a result of the analysis, it was determined the wetlands disturbance will increase by about 1,150 for a total disturbance of about 2,650 square feet.

The applicants will not be pursuing a paved driveway; it will be gravel. Mr. Blanchette confirmed that millings will not be placed on the driveway. He further confirmed the tree line is the limit of disturbance. It was recommended to place sublayers of larger stone underneath the embankment.

Motion was made by Marla Butts, and **Seconded** by William Rewinski, to **Approve** application 04-21-05 – Angela Billings – 0 Dividend Road – new single-family dwelling and accessory structure utilizing the revised plan dated May 29, 2021 with the conditions that 1) no driveway millings be used to surface the driveway, and 2) at the culvert crossing, the down slop embankment (i.e., the eastern embankment) be stabilized with modified riprap (i.e., 3”-6” stone), which can be buried in the embankment, for any portion of the driveway embankment that can be overtopped during a 25-year return frequency storm. **The motion passed unanimously.**

VI. New Applications:

- a. 05-21-01 – Ross & Kathleen Ellison – 123 Laurel Hill Drive – install stone steps to water and beach area

Kathleen Ellison was in attendance and answered questions from IWWA members. Contractor Benjamin Young explained the proposed project and answered additional questions from members.

Motion was made by William Rewinski, and **Seconded** by Stuart Peaslee, that application 05-21-01 – Ross & Kathleen Ellison – 123 Laurel Hill Drive – install stone steps to water and beach area be a **Wetlands Agent approval** and noting no work will not occur in the water. **The motion passed unanimously.**

- b. 05-21-02 – John Brisson & Jo A. Hannafin – 220 West Quasset Road – install new dock

Wetlands Agent Tina Lajoie noted that applicant John Brisson could not attend the meeting. Details of the proposed docking system were included in the meeting packets. Agency members requested a letter from the Quasset Lake Association acknowledging it is aware of, and in agreement with, the proposed project. There was concern regarding the use of four structural dock poles and how deep the poles would be dug. Ms. Lajoie will share these items with Mr. Brisson and request he attend the next meeting on July 12, 2021.

Motion was made by William Rewinski, and **Seconded** by Stuart Peaslee, to **Accept** application 05-21-02 – John Brisson & Jo A. Hannafin – 220 West Quasset Road – install new dock for consideration at the next meeting. **The motion passed unanimously.**

- c. 05-21-03 – Benjamin & Robin Marinelli – 1920 Route 198 – 2-lot subdivision

Daniel Blanchette was in attendance representing the applicants. The proposed work is on the very south side of the lot. He stated this is considered a re-subdivision in which five acres will be cut out of the 42 total acres. The existing driveway will be used to create a common driveway. The common driveway will be widened to 16 feet from the current 12 feet width. Mr. Blanchette answered questions from agency members. Chairman Parker was not concerned with the proposed project as long as the footprint being presented remains the same with respect to its distance from the wetlands and the basics of the design carries through the process.

Motion was made by William Rewinski, and **Seconded** by Marla Butts, to **Approve** application 05-21-03 – Benjamin & Robin Marinelli – 1920 Route 198 – 2-lot subdivision to be processed as a **Wetlands Agent Approval** for the construction of the proposed house lot for the subdivision. **The motion passed unanimously.**

- d. 05-21-04 – John Webber – 4 Loyola Road Extension – addition to existing dwelling

Applicant John Webber was in attendance and provided information on the proposed project. NDDH approval has been received. He answered questions from agency members.

Motion was made by Marla Butts, and **Seconded** by Stuart Peaslee, to **Approve** application 05-21-04 – John Webber – 4 Loyola Road Extension – addition to existing dwelling to be processed as a **Wetlands Agent approval**. **The motion passed unanimously.**

VII. Administrative Business¹:

a. Wetlands Agent Activity Report:

- i. Big Horn Complaint – Lake Bunggee. Members of the public in attendance clarified the location of the complaint is called Little Horn. Tina Lajoie shared background on the complaint, and the complainant's attorney is seeking the Agency's decision on whether the work completed on the lake association beach was in violation. Ms. Lajoie visited the site and took photos, which were included in the meeting packets. Greg Favreau from the Lake Bunggee Association detailed the work the association performed on the association beach and stated it was beach maintenance.

Complainant Jackie Dunaway was in attendance and shared her concerns, specifically, concern with the work being completed without a permit and the objection to cutting trees. Marla Butts cited the definition of a "regulated activity" found on page 6 of the February 2, 2009 Inland Wetlands and Watercourses Regulations.

She further cited Section 4.2 of the regulations found on page 10, as follows: The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing where otherwise legally permitted and regulated.

Chairman Parker noted the Agency takes regulated activity on a case-by-case basis and not every action requires a permit. He also clarified the definition of "clear-cutting" per page 4 of the Inland Wetlands and Watercourses Regulations. Marla Butts stated that based on the photos provided of the work completed, it would be deemed a non-regulated use as per the regulations cited above (Section 4.2). Furthermore, Agency members received additional information that the Lake Association is proposing to perform at the site. Ms. Lajoie received the information prior to the start of the meeting. This proposed additional work was read to those in attendance and noted for the record.

Based on the photos reviewed from the original work, and the discussion on the activities proposed in the correspondence received prior to the meeting, Marla Butts stated the activities proposed would be classified as a non-regulated use because it does not alter the natural indigenous character of the wetland or watercourse as described and it would be covered under a recreation area (Section 4.2; para. B).

Tina noted that she received an email communication from Fire Marshal Dick Baron prior to the meeting. Muddy Brook Fire Department has received a grant to install two dry fire hydrants—one on 72 Chandler School Road at the existing fire pond and one on 112 Woodstock Road at the existing fire pond. She shared the details of the project with Agency members. The Agency requested a locus map and design and location of the hydrant. The IWWA will also want to understand if there will be dredging. It was noted that 72 Chandler School Road was previously approved.

An independent storm water report was done by J&D Civil Engineers on Paine Road recently. Ms. Lajoie will email the study to Agency members. Mr. Rewinski requested a copy of the

independent study completed on Mr. Petro's property in 2009. He stated the study's conclusion noted deficiencies in completing the work on the Petro site for water and drainage. Thus, there are deficiencies on both sides—Paine Road and the Petro site. The Agency requested to review whatever was developed from when the subdivision was passed by the Planning & Zoning Commission, along with the 2009 study Mr. Rewinski requested. This will be on the July agenda for discussion. Ms. Lajoie will email this information to Agency members.

It was suggested that the IWWA regulations be reviewed and revised according to updated state statutes.

Mr. Rewinski distributed information on Agricultural Exemptions, Farming and the Inland Wetlands and Watercourses Act—The Indian Spring Land Company vs. IWWA of the Town of Greenwich and James Taylor vs. Conversation Commission of the Town of Fairfield.

Tina Lajoie stated applications have been received for the positions of Wetlands Agent and Zoning Enforcement Officer. She will be involved in the interview process.

VIII. Citizens' Comments/Other Topics: None.

IX. Adjournment: Motion was made by Marla Butts, and **Seconded** by Stuart Peaslee, to **Adjourn**. The motion passed unanimously. The meeting adjourned at 9:00 pm.

Respectfully submitted by Cynthia Brown, Recording Secretary. **DISCLAIMER:** These minutes have not yet been approved by the IWWA. Please refer to next month's minutes for approval/amendments.